

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

LATESHA Q WINSTON,

Plaintiff,

v.

Case No.:

CONVERGENT OUTSOURCING INC.,

Defendant.

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**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, Convergent Outsourcing, Inc. (“COI”), through undersigned counsel, hereby removes this action from the Magistrate Court of Gwinnett County, State of Georgia to the United States District Court for the Northern District of Georgia. In support of this Notice of Removal, COI states as follows:

1. On or about May 3, 2023, plaintiff, Latesha Q. Winston (“plaintiff”), commenced a civil action in the Magistrate Court of Gwinnett County, State of Georgia, entitled and captioned *Latesha Q. Winston v. Convergent Outsourcing, Inc.*, Case No.: 23-M-16954 (hereinafter the “State Court Action”). No further proceedings before the State Court have occurred.

2. In the Complaint, plaintiff alleged federal statutory causes of action against COI under the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.* A true and correct copy of plaintiff’s Complaint is attached hereto as **Exhibit A**.

3. Therefore, this Court has jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 because plaintiff’s Complaint alleges a cause of action arising under the laws of the United States. Because plaintiff affirmatively alleges violations of the FDCPA, the Complaint asserts a federal question under 28 U.S.C. § 1331 and is removable pursuant to 28 U.S.C. § 1441.

4. COI was served with plaintiff’s Summons and Complaint on May 9, 2023.

5. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which Defendant received plaintiff’s complaint. *See* 28 U.S.C. § 1446.

6. The Magistrate Court of Gwinnett County, State of Georgia, is located within the United States District Court for the Northern District of Georgia. Therefore, venue for purposes of removal is proper pursuant to 28 U.S.C. § 1441(a) because the United States District Court for the Northern

District of Georgia embraces the place in which the removed action was pending.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Magistrate Court of Gwinnett County, State of Georgia. *See **Exhibit B*** attached hereto.

8. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, Convergent Outsourcing, Inc., gives notice that this action is removed from the Magistrate Court of Gwinnett County, State of Georgia, to the United States District Court for the Northern District of Georgia.

Dated June 6, 2023

Respectfully submitted,

/s/ Kirsten H. Smith

Kirsten H. Smith

Georgia Bar No. 702220

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Attorneys for Defendant,

Convergent Outsourcing, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2023, a copy of the foregoing a copy of the foregoing was filed electronically in the ECF system, and served on plaintiff via electronic and U.S. Mail to the address below:

Latesha Q. Winston  
2613 Jacobean Road  
Acworth, GA 30101  
latesha79@gmail.com

I additionally certify that the above-referenced document has been prepared in Times New Roman (14 point) font and this satisfies the font size requirements of this Court.

By: /s/ Kirsten H. Smith  
Kirsten H. Smith  
Attorney for Defendant,  
Convergent Outsourcing, Inc.